



## UNITED STATES PATENT and TRADEMARK OFFICE

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20 JUL 2006

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In re Application of : DECISION ON  
Kujundzic et al :  
PCT No.: PCT/HR2003/000057 :  
Application No: 10/534,261 :  
Int. Filing Date: 10 November 2003 : REQUEST FOR REFUND  
Priority Date: 11 November 2002 :  
Attorney's Docket No.: 20304/020873-US0 :  
For: SUBSTITUTED 9A-N... :  
AMINOPROPYL DERIVATIVES OF etc : UNDER 37 CFR 1.26

This Decision is in response to applicants' copy of the "RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION & REQUEST FOR FILING FEE OVERPAYMENT REFUND" filed on 30 November 2005, which is being treated as a request under 37 CF 1.26 requesting a refund of the \$1530.00 fee charged to undersigned's Deposit Account.

### DISCUSSION

Pursuant 37 CFR §1.26(a) (refunds) "[a]ny fee paid in excess of that required will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw an application,... will not entitle a party to demand such a return."

Applicants argue that \$3,060.00 was the total amount paid to the USPTO toward the present applications filings fees and that the total amount due was \$1,530.00. Accordingly, \$1,530.00 refund is due to Darby & Darby because of the overpayment for the filing fees.

A review of the file indicates on 13 May 2005, the USPTO charged \$1,400 to the Deposit Account No.: 040100 and the Office also received a check of \$300.00. On 29 September 2005, the USPTO refunded \$500.00 to applicants' Deposit Account but also charged the Deposit Account \$400.00. On 30 September 2005 the USPTO charged the Deposit Account \$1,560.00 and on 18 October 2005 the USPTO charged the Deposit Account \$40.00. The total amount charged was \$2900.00 but the filing fee due was \$1,530.00. Therefore, applicants were overcharged by \$1,370.00.

Accordingly, applicants' are entitled to a refund of the fees paid and the \$1,370.00 will be refunded to applicants' Deposit Account No.: 04-0100.

**CONCLUSION**

For reasons above, the request is **GRANTED**.



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